



SWEDISH
COLLEGIUM
for ADVANCED STUDY

Sunday, 19 February. 14:50 – 16:20. Room: IIC Main – Terrace Pergola
ISA RC 46 SESSION

Session: Whistleblowing in a Changing Global Context: The Effect of National and Organisational Cultures on the Reporting of Wrongdoing

Session Convener(s): Tina Uys, University of Johannesburg; David Lewis, Middlesex University, London

Chairs: Karen Hudes, Washington DC and Ashley Savage, Northumbria University, Newcastle upon Tyne

I) Legislative Flexibility versus Procedural Rigidity: A Comparison of the UK and Canadian Approaches to Public Service Whistleblowing Protection

Ashley Savage, Northumbria University, Newcastle upon Tyne

II) The Globalization of Whistleblowing: Some Practical Examples of the Way Whistleblowers Share and Disseminate Information

Karen Hudes, Washington DC

ABSTRACTS

Session description

A nation's approach to whistleblowing will be based on a range of social, economic, historical, political and legal factors. Such factors cannot be ignored in determining the appropriate strategy for a government to adopt if it wishes to encourage disclosure of information in the public interest and provide protection for whistleblowers. Given the increasing international pressure on countries to combat fraud and corruption, considerable thought is being given to the different contexts in which particular measures might be appropriate.

Existing research demonstrates a wide range of responses to the principles that might be invoked at national level and to a certain extent these reflect different cultures. At enterprise level, the organisation's ethical culture (as well as its structure) is likely to have an impact on both the contents of whistleblowing policies and procedures and the way they operate in practice. For example, this culture might affect key decisions about whether to promote anonymous reporting either internally or externally.

Papers

1) Legislative Flexibility versus Procedural Rigidity: A Comparison of the UK and Canadian Approaches to Public Service Whistleblowing Protection

Ashley Savage, Northumbria University, Newcastle upon Tyne

Public servants are in a unique position. If they observe executive malpractice they may be best placed to do something about it. In choosing to raise a concern they are faced with the ultimate dilemma; to do nothing and allow the practice to continue, to utilise an officially prescribed whistleblowing mechanism or to make an unauthorised disclosure to the media or an online resource such as *Wikileaks*. Recent advancements in technology have made it easier to leak official government documents than ever before. Ultimately, governments across the globe will be forced to re-evaluate their own official whistleblowing schemes and the protections they offer to employees who come forward.

This paper will provide an insight into two very different approaches to protecting whistleblowers. It will focus upon the accountability mechanisms available to public servants in the United Kingdom and Canada. It will discuss the sector blind employment law provision afforded by the Public Interest Disclosure Act 1998 in the context of the protection it affords to employees of the UK Civil Service. It will identify the benefits of a flexible stepped disclosure regime whereby an employee does not have to exhaust internal mechanisms in order to obtain protection. It will also identify that the provision of a sector blind scheme has not dealt with gaps in the mechanisms used to hold the government and its departments to account. In contrast, the sector specific protection afforded by the Public Servants Disclosure Protection Act 2005 provides a comprehensive scheme whereby employees are required to exhaust the available procedures in order to obtain protection. The legislation established a dedicated Public Sector Integrity Commissioner to investigate concerns of gross mismanagement and wrongdoing. However, recently the outgoing Commissioner received fierce criticism for her management of the scheme suggesting that concerns raised did not receive an adequate response.

The aim of this paper is to provide a critical analysis of the two approaches, identifying their benefits and limitations and providing recommendations for reform. The purpose of this paper is to pick out key lessons which can be used by governments to ensure that their schemes offer a robust alternative to unauthorised leaking.

II) *The Globalization of Whistleblowing: Some Practical Examples of the Way Whistleblowers Share and Disseminate Information*
Karen Hudes, Washington DC

The sociology of business ethics defines whistleblowing (or ethical resistance) as the disclosure of organisational wrongdoing to those who are perceived to be in a position to take action. This session will take a multi-disciplinary approach to whistleblowing that includes the New Haven School of international law as a social science, and a political science analytic tool which uses social science modeling to account for the impact of globalization and changed power relationships on the international financial system.

Background information:

http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3562&context=fss_papers

<http://www.opendemocracy.net/node/34067/pdf>

http://bosco.foreignpolicy.com/posts/2012/01/23/a_world_bank_insider_on_a_new_president#comment-941266

http://www.huffingtonpost.com/social/Karen_Hudes/china-financial-reform_n_1191600_127701808.html

<https://viewer.zoho.com/docs/aIabce>